1	PLANNING	COMMISSION MINUTES
2 3		August 30, 2000
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5 6 7 8	CALL TO ORDER:	Chairman Dan Maks called the meeting to order at 7:05 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.
9 10 11 12 13	ROLL CALL:	Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla. Commissioner Betty Bode was excused.
14 15 16 17 18 19		Principal Planner Hal Bergsma, Senior Planner Barbara Fryer, AICP, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.
20 21 22 23 24	The meeting was called to the meeting.	order by Chairman Maks, who presented the format for
25	VISITORS:	
<ul><li>26</li><li>27</li><li>28</li></ul>		there were any visitors in the audience wishing to n any non-agenda issue or item. There were none.
29 30	OLD BUSINESS:	
31 32	<b>CONTINUANCE:</b>	
33 34 35 36 37 38 39 40	Hearings. There were no control No one in the audience charter the agenda items, to partition postponed to a later date.	the Public Hearing and read the format for Public disqualifications of the Planning Commission members. allenged the right of any Commissioner to hear any of cipate in the hearing or requested that the hearing be He asked if there were any ex parte contact, conflict of s in any of the hearings on the agenda. There was no
41 42 43 44 45	(Continued from August 2, Notice of the initial hea	REHENSIVE PLAN LAND USE ELEMENT , 2000) aring on this proposal was originally provided on the Planning Commission conducted hearings on the

proposal on January 19, 2000, March 15, 2000, April 12, 2000 and August 2,

2000. As originally described, the proposed amendment will replace the existing Land Use Element and is intended to complete Metro requirements related to land use requirements in local jurisdiction comprehensive plans. Both map and text changes will be included in the proposal. Metro Code Section 3.07.130 requires local governments to identify Design Type Boundaries. The proposed amendment modifies the Land Use Element to more specifically identify the Metro Design Types, to specify boundaries and to collate common policies among the design types. Existing language will be modified to the extent that information can be made more clear, concise or consistent with other sections of the same element. In addition, the proposed amendment may:

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- Remove references to the City's housing program and relocate them to the Housing/Economy Element;
- Remove references to the City's Urban Services Area and relocate them to the Public Services Element;
- Amend the Comprehensive Plan map to coincide with Land Use Element text changes; and
- Place text provisions related to specific sub-areas of the City, such as the Downtown and the Murray/Scholls Town Center, in separate documents as addenda to the Comprehensive Plan.

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Senior Planner Barbara Fryer presented the Staff Report and discussed the proposed draft document, observing that the Committee for Citizen Involvement (CCI) has provided some comments relating to maps, adding that corrections will be made and provided in the next packet. She pointed out that some changes have been made in response to internal input from various divisions and departments within the City of Beaverton. She mentioned the addition of a statement regarding the community plan context, in an effort to add clarity to the document, observing that this is located prior to any of the policies and actions. discussed community plan index maps, which will be provided and that these documents would be clear and legible. She described the community plan documents, which will be stand-alone documents that provide the specific policies applicable to a geographical area. She mentioned that staff had requested amendments to Metro Title 4 having land for employment and industrial development consistent with statements in the Staff Report, observing that these should be effective early in the year 2001. She mentioned a communication submitted by Lenard M. and Sharon M. Robertson requesting consideration in rezoning their Corridor property at 5155 SW Hall Boulevard commercial, adding that this would be consistent with the proposed Comprehensive Plan Land Use Element. She discussed Corridor property, observing that property owners would have the opportunity to request a rezone of their property to commercial zoning. Concluding, she stated that changes will be made to this document based upon testimony tonight and offered to respond to any questions or comments, adding that following testimony, staff is recommending a continuance until September 20, 2000.

to achieve regional goals.

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Chairman Maks requested direction of how the Commissioners would like to 1 proceed with this discussion. 2 3 Observing that much of this issue has been previously discussed, Commissioner 4 Heckman noted that his questions relate to issues presented by staff this evening. 5 6 Chairman Maks commented that Commissioner Johansen had questioned whether 7 there would be a discussion involving the overall concept of the document. 8 9 Referring to Commissioner Johansen's proclivity in dealing with such issues, 10 Commissioner Heckman suggested that he take the initiative in the discussion of 11 this proposal. 12 13 14 On question, Ms. Fryer advised Chairman Maks that there had been internal discussion among staff with regard to the entire element itself. She described 15 attempts to make the document more consistent with the community plans. 16 17 Principal Planner Hal Bergsma advised the Commissioners that the document 18 presented on September 20, 2000 would reflect some significant changes, adding 19 20 that staff appreciates any comments or input. 21 Commissioner Voytilla questioned what kind of lead-time the Commissioners 22 would have to review this updated document. 23 24 Mr. Bergsma informed Commissioner Voytilla that the updated draft should be 25 available by September 13, 2000, adding that the Commissioners would have the 26 27 option of continuing to a later date if they do not feel prepared by September 20, 2000. 28 29 Ms. Fryer mentioned that the modified text would have strikeouts, etc. to indicate 30 what has been changed from this particular version. 31 32 33 Referring to the anticipated substantial modifications, Chairman Maks suggested that the document be reviewed section by section on September 20, 2000, adding 34 that he is anxious to move forward with this issue. He questioned whether the 35 36 designation of any properties other than the Robertsons would be changed. 37 Ms. Fryer informed Chairman Maks that the properties along Hall Boulevard 38 39 would be designated as corridors, adding that staff is not anticipating changing any zoning on any properties at this time. 40 41 42 Chairman Maks referred to respect for the existing zoning and uses, regardless of 43 Metro's designations, adding that he would encourage higher density, in an effort Ms. Fryer advised Chairman Maks that all existing zoning possibilities have been accommodated within their current configurations and within the context of the Comprehensive Plan designation, with the exception of two properties. She described these properties as those that were excluded at the last minute from the South Tek Neighborhood Plan, observing that these particular properties come down on west side of Tualaway. She mentioned that staff anticipates a comprehensive plan designation for those of corridor.

Chairman Maks questioned the status of Main Street, and was informed that Main Street is not an issue.

Chairman Maks expressed concern that this document indicates that consideration will be given with respect to the existing and transitional zoning.

Ms. Fryer assured Chairman Maks that this is true to a certain extent, adding that certain regulations within the document provide protection for the R-7 and R-5 housing stock and it is not anticipated that these particular zones will be rezoned to any other land use designations. She mentioned that there is a potential for new Neighborhood Service and Convenience Service zoning districts, within limited parameters within the standard density zoning.

Chairman Maks referred to the undeveloped area where Murray Boulevard divides the Weirs by the church, and Ms. Fryer confirmed that this particular area is presently zoned R-5 and could potentially be rezoned R-4.

Chairman Maks expressed his opinion that this action makes sense.

Mr. Bergsma advised that Chairman Maks refer to an action statement at the top of page 318, as follows: "to adopt and apply land use regulations requiring buffering of non-commercial uses from commercial and higher-density residential uses to mitigate the impacts of such development on adjacent lower-density residential development."

Chairman Maks expressed his opinion that this action is both good and bad, adding that mitigate can mean different things, which does not provide adequate direction.

Mr. Bergsma informed Chairman Maks that Washington County has regulations relating to setbacks, landscaping and fences within the buffer area between the higher-density and lower-density uses.

On question, Ms. Fryer informed Commissioner Johansen that the new land use designation map would be adopted in conjunction with this document, adding that this involves Section 3.1 of this particular chapter.

Commissioner Johansen expressed his opinion that it would be helpful to have a 1 color-coded map designating any changes. He requested clarification that the 2 Planning Commission is not necessarily establishing any new zoning with this 3 action. 4 5 Ms. Fryer agreed that Commissioner Johansen is correct, to a certain extent. 6 7 Chairman Maks clarified that some zoning is being allowed by changing certain 8 9 designations. 10 11 Commissioner Johansen commented that a range of possibilities is being provided within the greater Comprehensive Plan designation, adding that within the 12 corridor, certain zones can and can not be implemented. 13 14 Ms. Fryer advised Commissioner Johansen that this is correct, adding that some 15 potential amendments might be proposed, with the consent of the property owner. 16 17 Mr. Bergsma discussed properties between Hocken Street and Cedar Hills 18 Boulevard, north of Tualatin Valley Highway, which were proposed to be 19 included in the South Tek Community Plan area and were removed at the request 20 of the property owners through the appeal process. He noted that these properties 21 were proposed to be placed in the Regional Center. If that change is approved, 22 they would have to be rezoned to Regional Center -- Transit Oriented (RC-TO). 23 24 Commissioner Johansen expressed concern with adequate review in the event of 25 the submittal of numerous applications at the same time, referring specifically to 26 traffic impact issues. 27 28 Ms. Fryer informed Commissioner Johansen that no zone amendments would be 29 implemented until this particular map has been endorsed, adding that no changes 30 will be necessary in most cases. 31 32 33 Commissioner Johansen emphasized that an issue still exists regardless of the regional goals, expressing concern with adequate consideration of rezone criteria. 34 35 36 Ms. Fryer mentioned that the Transportation Plan Update could potentially affect some of these issues, adding that the original plan had anticipated full build out, 37 or accommodation of all of the housing and employment that had been allocated 38

40 41 42 excess capacity.

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Chairman Maks observed that certain methodology has failed in certain areas because it had been done on a more global approach, rather than close proximity.

as a target. She pointed out that these targets would not be met, resulting in an

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Ms. Fryer advised Chairman Maks that she had not indicated that this particular infrastructure was there.

Chairman Maks clarified that it had not been her that had made this comment last 1 week, adding that he agrees 100% that a rezone should be reviewed on a closer 2 3 basis. 4 Mr. Bergsma observed that there are two levels of transportation analysis, 5 specifically a plan level analysis and a project level analysis. 6 Chairman Maks expressed concern whether particular roads are capable of 7 handling what is permitted outright within the area, adding that this creates the 8 9 greatest number of vehicular trips. 10 Mr. Bergsma commented that this is dependent upon the specific use that is 11 ultimately located in an area, adding that with any zone change, the transportation 12 planning rule and applicable City policy will be addressed, as necessary. 13 14 Chairman Maks emphasized that the Commissioners would like to make certain 15 that an analysis is completed. 16 17 Commissioner Johansen pointed out that the ability to accommodate the 18 additional density could not be based upon events that would never happen. 19 20 Mr. Bergsma advised Commissioner Johansen that he is referring to what is 21 actually a regional issue, adding that some of the major industries and property 22 owners in Washington County requested that Metro delay the adoption of the 23 Regional Transportation Plan because adequate funding was not available for all 24 necessary projects. He emphasized that waiting for certainty of funding is not 25 feasible in the process of adopting this document. 26 27 Chairman Maks expressed concern with taking action that would result in no 28 residential streets longer than 200 feet without speed humps in the future. He 29 pointed out that a great deal of this traffic is routed through the neighborhoods 30 and that a significant amount of speed humps are being installed. 31 32 Commissioner Johansen observed that he has been concerned with these issues 33 since the initial discussions of 2040. 34 35 36 Commissioner Johansen requested clarification that Action 3 would allow multiplexing outright, provided that the density is met. 37 38 39 Ms. Fryer disagreed, noting that it states: "...to encourage a variety of housing types in residential areas, any housing type may be permitted or conditionally 40 allowed..." 41

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44 45 Chairman Maks observed that while a 4-plex might be allowed, the Development Code requires a Conditional Use Permit for this development.

On question, Ms. Fryer informed Commissioner Johansen questioned that a 4-1 plex is currently allowed with a Conditional Use Permit. 2 3 Chairman Maks mentioned that a 4-plex had been allowed off of Hall Boulevard 4 through the Conditional Use Permit process. 5 6 Ms. Fryer commented that currently two-family dwellings are permitted 7 conditionally. 8 9 Commissioner Johansen described this as an expansion of what might occur in an 10 11 R-5 or an R-7 zone. 12 Ms. Fryer agreed with Commissioner Johansen's assessment of the situation, 13 adding that this does not necessarily indicate that there will be zoning changes to 14 implement that particular policy. 15 16 Chairman Maks observed that a use not currently allowed might be allowed in the 17 future under the Conditional Use Permit process. 18 19 20 Ms. Fryer explained that this would only be allowed as indicated in the Development Code, as amended, at some future time. She emphasized that it 21 would be necessary to propose this as a code amendment, not as an outright 22 project to allow for a 4-plex, adding that the approval of the application would be 23 based upon what is allowed at the time of submittal. She advised Commissioner 24 Johansen that the code should be in place at the time of application. 25 26 Commissioner Johansen commented that he is not convinced of wisdom or 27 necessity of including Neighborhood Service within the standard density zone. 28 29 Ms. Fryer explained that staff feels that there is a need to provide opportunity for 30 additional commercial activity within the residential neighborhoods, observing 31 that some of the traffic problem results from people having to travel so far to meet 32 33 daily needs that can not be taken care of within their neighborhoods. 34 Chairman Maks pointed out that many people don't want 7-11s located in their 35 neighborhoods. 36 37 Agreeing with Chairman Maks, Ms. Fryer suggested preparation of a map that 38 39 would identify the areas where neighborhood service or convenience service could be located. She mentioned that the requirement of locating these one mile 40 from another area and not within the proximity of grade schools provides 41 42 adequate safeguards and eliminates many potential parcels.

Chairman Maks questioned whether the one-mile radius is measured by actual

45 46 route or as the crow flies.

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miles traveled.

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Ms. Fryer advised Chairman Maks that the one-mile radius is determined by 1 actual physical map measurements, rather than by vehicular measurements. 2 3 Chairman Maks expressed his opinion that this issue opens a huge can of worms. 4 5 Mr. Bergsma assured Chairman Maks that staff would be carefully considering 6 this language, observing that he has concerns with this issue, as well. 7 8 Commissioner Heckman referred to property on 125<sup>th</sup> Avenue, requesting 9 clarification of whether the plan designation is Urban Standard, adding that the 10 two little color spots look out of place on map. 11 12 Chairman Maks informed Commissioner Heckman that he believes this particular 13 area is zoned NS. 14 15 Commissioner Heckman pointed out that the adjacent properties are designated as 16 17 Urban Standard. 18 Chairman Maks advised Commissioner Heckman that the adjacent properties are 19 20 multiple family. 21 Commissioner Heckman commented that the plan designation is high-density. 22 23 Chairman Maks referred to a situation in which he had sited NS close to a 24 residential area, adding that this is one of the examples he had used. 25 26 27 Commissioner Heckman referred to the necessity to decrease the daily vehicular trips, adding that these convenience stores would be better located within high-28 density areas, where they would serve a greater number of people. 29 30 Chairman Maks agreed, stating that vehicular trips could be reduced by 10% by 31 expanding the arterials and collector streets so that they function properly. 32 33 Ms. Fryer mentioned that one of the issues with placing this in the Urban Medium 34 or Urban High density residential areas is the need for the capacity that is 35 provided within those areas for meeting housing targets. She explained that a 36 37 further reduction of the allocated area would create impacts to neighborhoods and other areas. 38 39 Chairman Maks emphasized that Neighborhood Service and Convenient Service 40 would create numerous problems in an established neighborhood, adding that it is 41 42 more feasible in a higher-density transit-oriented area. He explained that pass-by 43 trips of vehicles that are already on the road do not create additional vehicular Commissioner Heckman expressed his opinion that traffic is the worst problem in our community that people will not admit, adding that a convenience service should be located in the area closest to the individuals who will utilize it. He referred to the Robertson's property, specifically whether any historic impediments exist that might prevent moving ahead with any action in that area, and was informed by Ms. Fryer that there are none on their particular property. Chairman Maks commended the tremendous job that Ms. Fryer had done in making this document readable, adding that it is more direct and focussed than what is currently available.

Ms. Fryer expressed her appreciation to Chairman Maks, observing that several individuals had participated in this effort.

Chairman Maks discussed his concerns with sidewalks being pedestrian-friendly, emphasizing that people need to feel comfortable walking along these routes or they will not be utilized. He emphasized that while crossing the intersection of Allen Boulevard and Murray Boulevard involves crossing eight lanes, many people will actually walk to the Albertson's on Hall and Greenway because the area is pedestrian-friendly.

Ms. Fryer advised Chairman Maks that she walks to this particular Albertson's, adding that she agrees that it is pedestrian-friendly, with the exception of the vehicles on Greenway. She suggested the addition of criterion into the Neighborhood Service and Convenience Commercial designations to specify that they be applied to areas with a pedestrian-friendly environment.

Mr. Bergsma requested clarification of Chairman Maks' concerns, adding that he appears to be concerned about how the identified main street locations are actually going to function.

Chairman Maks cautioned Mr. Bergsma not to get him started on this issue.

Mr. Bergsma commented that more attention has been given to station communities and town centers than main streets, pointing out that some of these main streets may not function well.

Chairman Maks emphasized that areas exist where they will work well.

Mr. Bergsma pointed out that these particular areas have been identified by Metro concepts, although he is not certain how these determinations were made.

Chairman Maks emphasized the goal of getting people out of their vehicles without impacting neighborhoods.

Ms. Fryer pointed out that staff would appreciate any comments at this time, prior to creating the new draft document.

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Commissioner Johansen questioned whether any option to reestablish a commercial designation would be available.

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Ms. Fryer advised Commissioner Johansen that the issue would be solved very easily if new commercial designation were added. However, because the Planning Commission had made the tentative decision to have two maps, and to accommodate Metro designations, staff is attempting to follow the concept as closely as possible.

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Chairman Maks reminded Commissioner Johansen to remember that the Development Code is also coming.

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On question, Ms. Fryer informed Chairman Maks that the meeting with CCI had gone well, adding that they had primarily submitted comments regarding the mapping products, rather than the text itself.

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8:34 p.m. to 8:48 p.m. -- break.

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## **PUBLIC TESTIMONY:**

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representing Westlake Consultants, 15115 SW Sequoia LEE LEIGHTON, Parkway, Suite 150, Tigard, OR 97224, introduced himself, observing that while men are from *Mars* and women are from *Venus*, he is from *Saturn* (of Beaverton). He discussed their desire to purchase two residential properties on the west side of Tualaway Avenue to incorporate into their dealership for vehicle inventory. He compared the configuration to that of Thomason/Damerow Ford on the east side of Tualaway Avenue, adding that it has been through design review and the applicant is about to receive the necessary permits to provide a full set of improvements to that lot. He noted that they would like to make certain that the record is clear that they are totally in agreement with the direction of this particular proposal, adding that the corridor designation along the north side of Canyon Road should include these properties. He mentioned that they had received assurance that these properties would be included within the South Tek Community Plan and subject to high-density residential use, as they had originally He noted that currently the two residential lots are located in residential zoning and designations, adding that this proposal provides that this area be changed to Corridor, enabling them to straightforwardly be rezoned for general commercial use. He commented that currently two single-family homes are located on these lots, adding that Saturn is negotiating a deal with both property owners, who are present in support of the amendment. He referred to a copy of e-mail correspondence with Ms. Fryer concerning this matter, clarifying the map changes that will clearly designate the appropriate lot lines. mentioned that David Scriven is also present on behalf of Saturn, although he has been detained elsewhere.

**TERESA FARQUHAR**. 4255 SW Tualaway Avenue, Beaverton, OR 97005, and **VERNA M. JENSEN**, 4225 SW Tualaway Avenue, Beaverton, OR 97005, expressed their support of the amendment, adding that their property is currently surrounded by commercial property and no longer feels residential. They added that they have both relocated to quieter neighborhoods, adding that the sale of their property has been extended in anticipation of approval of a rezone and requested that this be implemented as soon as possible.

Chairman Maks observed that **<u>DAVID SCRIVEN</u>**, 8125 SW Foxglove Place, Beaverton, OR 97008, is in support of the proposed Comprehensive Plan Land Use Element, although he is no longer present to provide testimony.

Ms. Fryer referred to residential policies, Section 3.4.3.F. of the current comprehensive plan, observing that the current language states that apartments, duplexes or single-family dwellings can be permitted within any housing density area, provided the required minimum lot area per dwelling unit is provided for each living unit in the development.

Commissioner Johansen observed that this statement is not presently implemented in the code.

Ms. Fryer clarified that this statement is not currently implemented in the code in that exact fashion.

Commissioner Johansen stated that it had been determined that the code does not allow greater than a duplex, either outright or conditionally, at this point.

Ms. Fryer informed Commissioner Johansen that this is correct, with the exception of accessory dwelling units. She referred to Development Code page PA-230 of the 7/14/00 version, observing that because no Comprehensive Plan Amendment is necessary, it clearly states that a rezone to Convenience Service shall meet the following criteria: 1) the public need is met for the proposal and this need will be served by changing the zoning district classification of the property in question, as compared with other available property; and 2) the public interest is best carried out by approving this proposal at this time.

Observing that he had only seen this occur once in 7-1/2 years, Chairman Maks expressed his opinion that this still does not provide adequate direction. He stated that while he expects a draft at least a week prior to the continued Public Hearing on September 20, 2000, he would prefer to receive this ten days or two weeks prior to the hearing. He commented that he intends to go through each item individually at that time.

Commissioner Johansen requested that he would like to receive both a black-line and a clean copy of the proposed amendment.

1 2	Ms. Fryer advised Commissioner Johansen that she could provide both a black- line and clean copy of the proposed amendment, adding that the text changes may		
3	be available and submitted to the Commissioners prior to the map.		
4 5 6 7	Commissioner Heckman <b>MOVED</b> and Commissioner Voytilla <b>SECONDED</b> a motion to continue CPA 99-00025 – Comprehensive Plan Land Use Element, to a date certain of September 20, 2000.		
8	date certain c	of September 20, 2000.	
9	Motion CARRIED, unanimously.		
10 11 <b>M</b>	ISCELLANEOU	S BUSINESS:	
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13 14 15	September 1	hat no business is scheduled for either September 6, 2000 or 3, 2000, Chairman Maks pointed out that the Planning Commission as off, and will reconvene on September 20, 2000.	
16 17 18 19	packets be st	er Barnard requested that individual letters and documents within the tamped or marked with the subject or application number, and was Ir. Bergsma that staff could provide this information.	
<ul><li>20</li><li>21</li><li>22</li></ul>	Chairman Ma	aks stated that continuing public hearings creates this problem.	
23 24 25	for different	er Heckman mentioned his request for telephone extension numbers members of staff, and Commissioner Dunham advised him that staff alls be routed through Robyn.	
26 27 28	Assistant Cit including:	y Attorney Naemura provided a litigation update of certain projects,	
29 30 31 32 33	1.	Haggen Store Comprehensive Plan Amendment a curative ordinance was drafted, submitted to the City Council, given its final form on Monday, August 28, 2000, and will be effective in thirty days;	
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35	2.	City Park Conditional Use for the Expansion and Partial Closure	
36		of Washington the briefing has been submitted, oral arguments	
37 38		will be presented to LUBA in early October, 2000, and staff feels very positive of the outcome of this decision;	
39		very positive of the outcome of this decision,	
40	3.	Magnolia Green essentially over the LUBA appeal period had	
41	<b>3.</b>	already run to the Court of Appeals with no filing and no further	
42		litigation; and	
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44	4.	Fantasy Adult Video LUBA upheld the decision of the City	
45		Council, and by end of the week, the City will be filing a cross	
46		appeal on a minor issue.	

1	Chairman Maks referred to D. K. Wilds, questioning whether the decision had
2	been overturned by LUBA or the Court of Appeals.
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4	Mr. Naemura questioned whether Chairman Maks is referring to the "viewing
5	booth" ordinance.
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7	Chairman Maks advised Mr. Naemura that he is referring to D. K. Wilds, the
8	bookstore.
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10	Mr. Naemura informed Chairman Maks that he is unfamiliar with this issue,
11	which had apparently occurred before his time.
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13	Chairman Maks questioned the status of the Fountaincourt pedestrian path.
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15	Mr. Naemura advised Chairman Maks that this would involve a Public Hearing at
16	City Council.
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18	The meeting adjourned at 9:08 p.m.